

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JIMMY VIVERETTE, )  
                        )  
Plaintiff,           )  
                        )  
vs.                   ) Case No. 15-CV-717-NJR-DGW  
                        )  
CHRISTINE BROOKS, UNKNOWN )  
PARTY, TRAVIS JAMES, NOREEN )  
BAKER, and STEVE DUNCAN, )  
                        )  
Defendants.          )

**MEMORANDUM AND ORDER**

**ROSENSTENGEL, District Judge:**

This matter is before the Court for case management purposes. On July 24, 2015, the Court completed its threshold review of Plaintiff Jimmy Viverette's civil rights complaint (Doc. 7). The Court advised Plaintiff that service would not be made on Unknown Party, Jane Doe Nurse, "until such time as Plaintiff has identified him/her by name in a properly filed amended complaint" (Doc. 7, p. 8). On December 8, 2015, the Court entered a Scheduling and Discovery Order giving Plaintiff until April 8, 2016, to identify any unknown defendants or identify steps that can be taken to identify them (Doc. 28, p. 3). The Court warned Plaintiff that his failure to comply with the Court's directive "will result in the dismissal of the John Does" (*Id.*).

As of the date of this Order, Plaintiff has neither identified, nor taken steps to identify, the unknown party. The Court concludes that Plaintiff has failed to properly prosecute his case as to the Unknown Party, Jane Doe Nurse. Accordingly, and pursuant

to Rule 41(b) of the Federal Rules of Civil Procedure, the Court hereby **DISMISSES with prejudice** Plaintiff's claim against Unknown Party, Jane Doe Nurse.

**IT IS SO ORDERED.**

DATED: August 23, 2016



---

NANCY J. ROSENSTENGEL  
United States District Judge